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Beth E. Levine

March 6, 2019

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Via Email and ECF Filing

The Honorable Stuart M. Bernstein
United States Bankruptcy Judge
Southern District of New York
One Bowling Green
New York, New York 10004

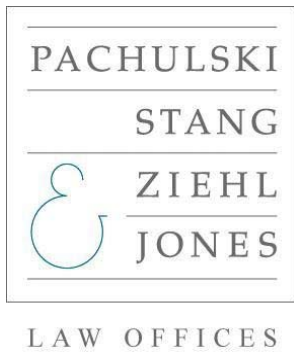
**Re: Michaelson v. Buck Kreihs Marine Repair,
LLC; Adv. Pro. No. 18-01589 (SMB)**

Dear Judge Bernstein:

This firm represents the plaintiff ("Plaintiff") in the above-referenced adversary proceeding. We write pursuant to Your Honor's Chamber's Rules and Bankruptcy Local Rule 7007-1(b) to request an informal conference relating to Plaintiff's proposed motion to compel discovery responses from the defendant ("Defendant"). The issue here is simple: far past the relevant deadlines, Defendant has failed to serve its initial disclosures and to respond to the discovery requests propounded to it by Plaintiff.

On November 9, 2018, the Court entered the Scheduling and Pre-Trial Order (the "Scheduling Order") [Docket No. 15]. Pursuant to the Scheduling Order, the initial disclosures were to be exchanged no later than 14 days from entry of the Scheduling Order (November 23, 2019) and all fact discovery is to be completed by March 8, 2019. On December 21, 2018, Plaintiff served his *Requests for Production of Documents, Set One* (the "Document Requests") and *Plaintiff's First Set of Interrogatories to Defendant* ("collectively the "Discovery Requests") on the Defendant. Defendant's responses to the Discovery Requests were due on January 22, 2019.

As of today, Defendant has yet to serve its Initial Disclosures and its responses to the Discovery Requests, or to produce any documents. Plaintiff's counsel has sent numerous emails to counsel



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for the Defendant seeking this discovery material. However, in spite of several emails in which Defendant's counsel indicated that the responses would be forthcoming, Defendant has not served its initial disclosures or any discovery responses or produced any documents. Accordingly, we now seek an informal conference with Your Honor and leave to file a motion to compel.

We are available to answer questions the Court might have.

Respectfully submitted,

/s/ Beth E. Levine

Beth E. Levine

BEL

cc: Robert M. Greenbaum, Esq. (*via E-mail*)

MEMORANDUM ENDORSEMENT AND ORDER

The conference requested in this letter will be held on March 14, 2019, at 10:00 a.m. The failure to attend the conference may result in sanctions including the entry of judgment without further notice against the party that fails to attend.

So ordered.

Dated: New York, New York
March 7, 2019

/s/ Stuart M. Bernstein
STUART M. BERNSTEIN
United States Bankruptcy Judge

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